



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,095	02/16/2001	Paul H. Feinberg	SONY 3.0-030	6178
530	7590	04/17/2009	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ALVAREZ, RAQUEL	
ART UNIT	PAPER NUMBER		3688	
MAIL DATE	DELIVERY MODE			
04/17/2009	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: PAUL H. FEINBERG

Application No. 09/785,095
Technology Center 3600

Mailed: April 17, 2009

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 24, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on March 16, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

EXAMINER'S ANSWER, HEADINGS

An in-depth review of the Examiner's Answer indicates that the following sections are missing from the Examiner's Answer mailed January 19, 2007 and/or are not complete or clear in setting forth agreement or disagreement with the Appeal Brief:

- 1) Related Appeals and Interferences,

A substitute Examiner's Answer that is in compliance with the guidelines is required. *See also Manual of Patent Examining Procedure (MPEP) § 1207.02 (8th ed. Rev. 6, Sept 2007)* for details.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed March 15, 2007 as indicated above;
- 2) complete Examiner's Answer setting forth agreement or
disagreement with the Appeal Brief;
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/dm

Lerner, David, Littenberg
Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090